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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA, STATES OF CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, HAWAII, ILLINOIS, INDIANA, IOWA, LOUISIANA, MICHIGAN, MINNESOTA, MONTANA, NEVADA, NEW JERSEY, NEW MEXICO, NEW YORK, NORTH CAROLINA, OKLAHOMA, RHODE ISLAND, TENNESSEE, TEXAS, VERMONT, AND WASHINGTON; THE COMMONWEALTHS OF MASSACHUSETTS AND VIRGINIA; and THE DISTRICT OF COLUMBIA,

*ex rel.* ZACHARY SILBERSHER,

Plaintiffs,

vs.

JANSSEN BIOTECH, INC., JANSSEN ONCOLOGY, INC., JANSSEN RESEARCH & DEVELOPMENT, LLC, JOHNSON & JOHNSON, and BTG INTERNATIONAL

Defendants.

Civil Action No. 19-12107 (KM)(JBC)

Hon. Kevin McNulty, U.S.D.J.

**Return Date: November 4, 2019**

(Oral Argument Requested)

*Document Electronically Filed*

**NOTICE OF JOINT MOTION TO  
DISMISS BY DEFENDANTS  
JANSSEN BIOTECH, INC., JANSSEN  
ONCOLOGY, INC., JANSSEN  
RESEARCH & DEVELOPMENT,  
LLC, JOHNSON & JOHNSON, and  
BTG INTERNATIONAL LIMITED**

**PLEASE TAKE NOTICE** that on November 4, 2019 at 9:30 a.m., or at such other date and time as may be set by the Court, Defendants Janssen Biotech, Inc., Janssen Oncology, Inc., Janssen Research & Development, LLC, Johnson & Johnson, and BTG International Limited (collectively, "Defendants"), by and through their undersigned attorneys, will move before the

Honorable Kevin McNulty, U.S.D.J., United States District Court for the District of New Jersey, Lautenberg U.S. Post Office & Courthouse, Federal Square, Courtroom 4, Newark, New Jersey 07101, for an Order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing the Second Amended Complaint with prejudice.

**PLEASE TAKE FURTHER NOTICE** that in support of this Motion, Defendants will rely on the accompanying Memorandum in Support of Defendants' Joint Motion to Dismiss Second Amended Complaint, Request for Judicial Notice with Exhibits, and all pleadings and proceedings on file.

**PLEASE TAKE FURTHER NOTICE** that a Proposed form of Order is being submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that Defendants hereby request oral argument.

Dated: September 13, 2019

Respectfully submitted,

**SILLS CUMMIS & GROSS P.C.**

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